

LAND USE IN MICHIGAN KEY DEVELOPMENTS

A Presentation to the Macatawa
Area Coordinating Council

Monday, December 20th

South Felt Mansion

Laketown Township

STATE SENATOR PATTY BIRKHOLZ

- Chair of the Senate Natural Resources Committee
- Great Lakes Commission appointee by the Senate Majority Leader
- Member -- Land Use Leadership Council
- Founder of the Great Lakes Legislative Caucus

LAND USE REFORM IS NOT A NEW TOPIC!

- Governor Milliken's strong emphasis on land use in the 1970's.
- Governor John Engler commissioned a study of the various environmental risks facing Michigan in 1992.
- House Republican Task Force on Land Use in 1994.
- Senate Republican Report on Land Use reforms in 1995.
- The Natural Resources Commission under the leadership of Marty Fluharty also studied and made broad recommendations.

LAND USE REFORMS SPURRED BY BOTH ENVIRONMENT AND ECONOMY



- Conclusion of these groups and individuals is that land use reforms are necessary to protect both the environment and a sustainable economy.

COST TO THE ENVIRONMENT

- Governor Engler's Relative Risk Analysis Project; "one of the highest risks to Michigan's natural resources was the lack of a comprehensive land use strategy."
- "Absence of such a strategy threatens Michigan's unique and sensitive lands and impacts dependent habitat and water quality."

COST TO THE ECONOMY

- This same Relative Risk Analysis demonstrated how sprawl contributes to a growing economic dilemma.
- The report placed a heavy emphasis on "the cost of duplicate and wasteful investment in such things as roads, sewers and schools."

CURRENT LAND USE TOOLS

- A number of various land use statutes exist today (such as):

Wetland Protection Act

Sand Dune Protection Act

Natural Rivers Act

Soil Erosion Sedimentation Control Act

- But they only give us a patchwork approach to land use.
- Lacking is a coordinated strategy to map out a plan to conserve our natural resources!

COORDINATED PLANNING ACT

- Adopted principally to encourage, NOT REQUIRE, local units of government to work together to share information and do "solution-finding".
- Common sense reform -- one of those where you just ask yourself "why aren't we doing this already?"
- Facilitates regional, resource-based approach to land use planning.

LAND USE LEADERSHIP COUNCIL (LULC)



- In March of 2003, Governor, Senate Majority Leader, and Speaker of the House came together to create a broad-based council to provide direction for land use reforms.
- Significant because of the diverse nature of membership!

SAMPLE MEMBERSHIP OF LULC

- William Milliken -- Former Governor (Co-Chair)
- Frank Kelley -- Former Attorney General (Co-Chair)
- Jim Barrett -- Michigan Chamber of Commerce
- Keith Charters -- Natural Resources Commission
- Robert Jones -- Michigan Homebuilders
- Hans Voss -- Michigan Land Use Institute
- Jim Brooks -- Alpha Genesis, LLC
- Chris MacInnes -- Crystal Mountain Resort
- Dan Kildee -- Genesee County Treasurer
- Dan Gilmartin -- Michigan Municipal League
- Gil White -- Michigan Association of Realtors
- State Legislators—bicameral and bipartisan:
 - Senator Patricia Birkholz (Saugatuck Twp), Senator Liz Brater (Ann Arbor), Representative Ruth Johnson (Oakland County) and Representative Chris Kolb (Ann Arbor)
- Several Key State Department Directors

MORE THAN 20 BILLS HAVE BEEN PASSED AS A RESULT OF THE LULC

- CMI/Brownfield development -- SB 805 (PA 252 of 2003) and HB 5270 (PA 253 of 2003). Establishing a Clean Michigan Initiative revolving loan program to accelerate the cleanup of abandoned brownfield sites.
- Forestry Initiative -- SB 1023,1024 HB 5554 -- (PA 123-125 of 2004) Implementing forest management changes to protect the environment and create new job opportunities in Michigan's timber industry.

KEY LEGISLATION (CONTINUED)

- Land Bank Fast Track -- HB 4480-4484, 4488 -- (PA 258-263 of 2003) Aids urban redevelopment by establishing an authority to clear property titles and move tax reverted property to private ownership.
- Improved Zoning -- HB 5216-5220 (PA316-320 of 2003), HB 4284 (PA 226 of 2003) -- Quality of Life Zoning Violations legislation makes it easier for communities to cleanup blighted properties through administrative hearings rather than seeking a court order.
- House Bill 4284 -- PA 226 OF 2003 -- allows neighboring communities and municipalities to form joint planning commissions to better coordinate regional zoning efforts.

KEY LEGISLATION (CONTINUED)

- Principal Shopping Districts -- HB 4263 provides cities with tools they need to make improvements to certain areas in order to improve local business retail climate -- PA 209 of 2003
- Planned Unit Development -- HB 4666-4668 -- allows a municipality to approve a planned unit development with open space not connected to the development. PA 227-229 of 2003
- HB 5030 -- Pending in Senate Agriculture Committee. Lower property taxes on farmland to allow farming to become more profitable....making agriculture more profitable is the best way to preserve and protect farmland.

Key Reforms Just Sent to the Governor

- HB 4787 and HB 4788--Reauthorization of Affordable Housing -- a proposal to create the Affordable Housing Fund.
- SB 1416 -- Streamline Plat Review Process under Land Division Act -- been working to shorten plat review and approval time, concurrence of approvals from appropriate departments.

WHERE WE ARE HEADED -- MORE
KEY REFORMS ON THE HORIZON!



KEY NEW REFORMS

- New proposals coming—will convene a small bipartisan workgroup to lay out next tier of land use reforms, such as:
- HB 5660 – Proposed legislation to require school districts to comply with local zoning requirements to encourage more coordinated development.
- SB 741 -- Critical Dunes Protection to require inclusion of all publicly owned critical dunes into the dune atlas.



ANNEX 2001 -- MICHIGAN HAS MUCH AT RISK IN ENSURING INTEGRITY OF THE GREAT LAKES BASIN



ANNEX 2001

- Federal Law gives each Great Lakes Governor sole veto authority over Great Lakes diversions.
- But we also need to craft new protections to guard against lawsuits and “federalization” of our waters.
- Annex 2001 is a fluid, ongoing process – we need to remain engaged!
- We have held hearings and have submitted testimony, but more needs to be done!

MY GREAT LAKES "PLEDGE"

- No sacrificing state sovereignty over our lakes!
- No dilution in our diversion authority!
- Waters will be kept open and accessible to Michigan citizens!



THE FUTURE OF LAND USE REFORMS



MUCH DEPENDS UPON OUR CITIZENS!

- There is an inherent threat in forgotten promises -- must keep alive the momentum that has been generated.
- Can't neglect this important task -- without a continued focus, key reforms in law will not be as effective.
- Important drive will come from both environmental and business groups if we do our job right!

MUST HAVE MECHANISMS TO CONTINUE THE WORK OF THE LULC

- Will convene a special workgroup with all appropriate interest groups to review LULC with an eye on where we have been and where we still need to go!
- This effort will not be wasted -- we will take action and will continue to focus on key reforms that protect our natural resources and our economy!

THANK-YOU!

Please feel free to contact me at
517-373-3447 or
Pbirkholz@senate.michigan.gov

Key Web sites for Further Information

- Michigan Government -- www.michigan.gov
 - Land Use Leadership Council -- www.michiganlanduse.org
 - Great Lakes Commission -- www.glc.org
 - Annex 2001
<http://www.cglq.org/1projects/water/Annex2001Implementing.asp>
- Great Lakes Conservation Task Force Report—
available through Senator Birkholz' office.